

TOWN OF YACOLT
IMPACT FEE ORDINANCE #352

Section 1. Findings and Authority.

The Town Council of the Town of Yacolt (the "Council") hereby finds and determines that new growth and residential development in the Town of Yacolt ("Town") will create additional demand and need for school facilities in the Town of Yacolt, and the Council finds that new growth and development should pay a proportionate share of the cost of new school facilities needed to serve the new growth and development and school district. Therefore, pursuant to Chapter 82.02 R.C.W., the Council adopts this Ordinance to assess impact fees on new residential development within the Battle Ground School District No. 119 {"District"}. The provisions of this Ordinance shall be liberally construed in order to carry out the purposes of the Council in establishing the impact fee program.

Section 2. Definitions.

The following words and terms shall have the following meanings for the purposes of this Ordinance, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to R.C.W. 82.02.090, or given their usual and customary meaning.

A. "Building Permit" means the permit required for new construction and additions. The term "building permit", as used in this Ordinance, shall not be deemed to include:

1. Permits required for the remodeling, rehabilitation, or other improvements to an existing structure or rebuilding a damaged or destroyed structure; Provided, that there is no increase in the number of dwelling units resulting therefrom;
2. Permits required for temporary dwellings.

The term "building permit" shall include mobile home placement permits.

B. "Encumber" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

C. "Project Improvements" mean site improvements and facilities that are planned and designated to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a Capital Facilities Plan adopted by the Council shall be considered a Project Improvement.

D. "System Improvements" means school facilities that are included in the District's Capital Facilities Plan and are designed to provide service to the community at large, in contrast to Project Improvements.

Section 3. Assessment of Impact Fees.

A. The Town shall collect impact fees from any applicant seeking residential development approval from the Town for any development activity within the Town, where such development activity requires the issuance of a building permit as defined in this Ordinance. Impact fees shall be assessed for each dwelling unit created which may include the expansion of existing uses which creates a demand for additional school facilities.

B. Impact fees shall be assessed at the time a sufficiently complete building application that complies with existing zoning ordinances and building codes is submitted for each unit in the development. Impact fees shall be collected from the Feepayer at the time the building permit is issued for each unit in the development.

D. Except if otherwise exempt, the Town shall not issue the required building permit unless and until the impact fees have been paid.

Section 4. School Impact Fee Component

The school impact fee shall be calculated using the formula contained in Exhibit "A" to this Ordinance. The amount of the impact fee shall be set forth in the Battle Ground School District's Capital Facilities Plan, as it currently exists or is hereinafter amended, and such Plan or amendment is adopted by the Town. The Town in consultation with the District and upon application by the developer, supported by studies or data, may reduce or eliminate the school impact fee if it is shown that either: (1) the formula contained in Exhibit "A" does not accurately reflect a school impact or (2) due to unusual circumstances such as the facility improvements identified in the Capital Facilities Plan are not reasonably related to the proposed development, or the facility improvements will not reasonably benefit the proposed development. This exemption shall not be available based on the sole reason that the current or prospective occupant of a development does not or will not have school-aged children.

Section 5. Credits.

A Feepayer can request that a credit or credits be awarded to him/her for the value of dedicated land, improvements, or construction provided by the Feepayer if the land, improvements, and/or the facility constructed are included within the adopted Capital Facilities Plan and the District makes the finding that such land, improvements, and/or facilities would serve the goals and objectives of the Capital Facilities Plan. In the event, the land, improvements and/or facilities are accepted by the District, the Feepayer shall be responsible for supplying an independent appraisal based on objective standards which indicates the fair market value of the dedicated land, improvements and/or facilities. The credit amount shall be applied to the impact fee calculated for the particular development. If the amount of the credit is less than the amount of the fee, the Feepayer shall pay the difference. In the event the amount of the credit exceeds the amount of the impact fee due and owing by the Feepayer, neither the District nor the Town shall be liable to the Feepayer for the difference.

Section 6. Appeals.

A. Any Feepayer may pay the impact fees imposed by this Ordinance under protest in order to obtain a building permit. Appeals regarding the impact fees imposed on any development activity may only be taken by the Feepayer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

B. Determinations of the Town with respect to the applicability of the impact fees to a given development activity or the availability or value of a credit, can be appealed to the Town Council.

C. Appeals shall be taken within ten (10) working days of payment of the fee or within ten (10) working days of the Town's issuance of a written determination of a credit or exemption decision by filing with the Town a notice of appeal specifying the grounds thereof, and depositing the necessary fee, which is set forth in the existing fee schedules for appeals of land use decisions. The appeals shall be processed in the same manner as other land use decisions pursuant to applicable Yacolt Ordinances.

Section 7. Capital Facilities Plans Adopted.

The 1994 Capital Facilities Plan for Battle Ground School District No. 119, attached hereto as Exhibit "B" and incorporated herein by this reference are approved as meeting the requirements of this ordinance and are hereby adopted as a subelement of the Town of Yacolt's Comprehensive Land Use Plan.

Section 8. Refunds.

A. If a District fails to expend or encumber the impact fees within six (6) years of when the fees were paid unless extraordinary or compelling reasons exist, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. Owners seeking a refund of impact fees must submit a written request for a refund of the fees to the Town and/or the District within one (1) year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

C. Any impact fees for which no application for a refund has been made within this one (1) year period shall be retained by a District and expended on the appropriate public facilities.

D. Refunds of impact fees under this Section shall include any interest earned on the impact fees by the Town or the District.

Section 9. Use of Funds.

A. Pursuant to this Ordinance, impact fees:

1. Shall be used for system improvements that will reasonably benefit new school facilities and shall not be used for project improvements;

2. Shall not be imposed to make up for deficiencies in school facilities serving existing developments; and
3. Shall not be used for maintenance or operation.

B. Impact fees may be spent for public improvements, including but not limited to school planning, land acquisition, site improvements, portables, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to educational facilities, and any other expenses which can be capitalized.

C. Impact fees may also be used to recoup public improvement costs previously incurred by the District to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

D. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay the principal on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this Section and are used to serve the new development.

Section 10. Review.

Impact fees shall be reviewed by the Council as it may deem necessary and appropriate or in conjunction with the annual update of the Capital Facilities Plan element of the Town's comprehensive plan.

Section 11. Severability.

If any portion of this Ordinance is found to be invalid or unenforceable for any reason, such finding shall not affect the validity or enforceability of any other provision of this Ordinance.

Section 12. Effective Date.

This Ordinance shall go into effect at ~~Town of Yacolt~~
~~May 3, 1994~~

Read first time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers : Mason, Kaski, Messer, Robertson, Smith

Nays: Councilmembers: None

Absent: Councilmembers : None

Read second time:

Exhibit "A"
SCHOOL IMPACT FEE COMPONENT

The impact fee component for schools shall be separately calculated for each participating school district using the following formula:

$$\text{SIF} = [\text{CS} (\text{SF}) - (\text{TC})] \times \text{A} - \text{FC}$$

(1) "SIF" means the school component of the total development impact fee.

(2) "CS" means the cost of each type of facility listed in a school district's capital facilities plan attributable to new growth divided by the number of students representing a six-year increase in students for each type of school facility. Each type of facility means elementary school, middle school and high school.

(3) "SF" means student factor. The student factor is the number of students typically generated from one residential unit for each type of school facility. This is determined by dividing the total number of residential units in a school district into the current enrollment numbers for each type of school facility. The student factor for each school district shall be calculated annually. Separate student factors shall be calculated for single-family and multi-family dwelling units.

(4) "SM" means state match. State match is that amount received from the State of Washington towards school construction costs. The state match component of the formula is that amount representing the per student amount of state matching funds. This is calculated for each type of facility as: student factor x Boeck index (average annual construction cost of a school facility per square foot) x square foot standard per student established by the Superintendent of Public Instruction x state match percentage (that percentage of the total cost of a school facility funded by state funds). The state match for each school district shall be calculated annually.

(5) "TC" means tax credit. This is calculated as:

$$\frac{(1 + i)_{10} - 1}{i} \times \text{average assessed value for the dwelling unit within a school district}$$

x current school district capital property tax levy rate.

where i = the average annual interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond Index. The tax credit for each School District shall be calculated annually.

(6) "FC" means facilities credit. This is the value of any improvement listed in a School District's capital facilities plan provided by the developer.

(7) "A" means an adjustment for the portion of the anticipated increase in the public share resulting from exempt residential development proratable to new residential development. This adjustment for school impact is determined to be 85%.

AMENDMENT TO INTERLOCAL AGREEMENT
BETWEEN CLARK COUNTY AND THE TOWN OF YACOLT

WHEREAS, the Town of Yacolt ("Town") and Clark County ("County") have entered into an interlocal agreement dated May 3, 1994 in which the County has agreed, among other things, to become the proper party to issue all permits pursuant to the uniform codes of the Town after receiving the permit applications from the Town Clerk, said permits to be issued by the County Building Department.

WHEREAS, the Town of Yacolt has adopted a school impact fee ordinance on behalf of the Battle Ground School District authorizing the assessment of school impact fees upon the issuance of a building permit, as defined in the School Impact Fee Ordinance, for all residential development within the Town limits.

WHEREAS, the Town and County are desirous of amending the interlocal agreement to provide that in addition to collecting the building permit application fees, the County shall also collect the school impact fee on behalf of the Battle Ground School District.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED that the County shall collect the school impact fee on behalf of the Battle Ground School District prior to issuance of a building permit, as defined by the Yacolt School Impact Fee Ordinance, for all residential development occurring within the Town limits of Yacolt. The County further agrees to collect and distribute the school impact fees according to the provisions contained in the Interlocal Agreement for the Collection, Distribution and Expenditure of School Impact Fees entered into between Clark County and the Battle Ground School District.

All other provisions of the Interlocal Agreement between the Town and the County shall remain in full force and effect.

Dated this 3 day of May, 1994

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, WASHINGTON

BY: _____
Chairman

ATTEST:

COUNTY AUDITOR

TOWN OF YACOLT, WASHINGTON

BY *Saul Grooms*
MAYOR

ATTEST:

Debra Christensen
TOWN CLERK

AMENDMENT TO INTERLOCAL AGREEMENT - 2

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